

Case 2:05-cv-00701-MEE-TFM Document 9 Filed 08/30/2005 Page 1 of 5
IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION
RECEIVED

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LARRYIE EARL JONES,

PETITIONER,

V.

ANTHONY CLARK,

RESPONDENT.

CIVIL ACTION NO: 2005-CV-701-F

MOTION TO AMEND

COME NOW THE PETITIONER LARRYIE EARL JONES, PRO, SE, AND MOVES THE HONORABLE COURT TO TAKE IMMEDIATE ACTION TO THIS AMEND, AND THEREFORE STATES THE FOLLOWING GROUNDS:

1. ON JULY 29, 2005, PETITIONER PETITION WAS FILED UNDER PROVISIONS OF 28 U.S.C. 2241. AND THE REASON FOR FILING, IS PETITIONER HAS BEEN CHARGE WITH POSSESSION OF DRUG PARAPHERNALIA, AND RESIDUE A CONTROLLED SUBSTANCE SINCE SEPTEMBER 17, 2002 IN CASE NUMBER CC-2003-187-418-419, WITHOUT A BAIL SINCE JULY 14, 2004. HE HAS BEING IN CUSTODY WHICH VIOLATED OF DUE PROCESS AND EQUAL PROTECTION CLAUSES OF THE FOURTEENTH AMENDMENT OF THE UNITED. THE PETITIONER DID DEMAND A SPEEDY TRIAL OF THESE PENDING CHARGES. THE STATE NEVERTHELESS FAILS TO MAKE A DILIGENT EFFORT TO OBTAIN HIM FOR TRIAL, AND PETITIONER EXHAUSTS HIS STATE REMEDIES BY SEEKING DISMISSAL OF THE CHARGES

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- AGAINST HIM BECAUSE OF UNCONSTITUTIONAL DELAY
 PETITIONER PREVAILS IN FEDERAL COURT UPON MERITS
 OF HIS CLAIM OF DENIAL OF A SPEEDY TRIAL, PLAINTIFF
 SUFFER PREJUDICIAL FROM THE UNCONSTITUTIONAL DELAY
2. BECAUSE HEID IN CUSTODY FOR 13 MONTHS WITHOUT
 BAIL, STATE ENGAGES IN DISCRIMINATORY AND ARBITRARY
 ADMINISTRATION OF BAIL SYSTEM, AN ACCUSED DETAIN-
 TION BY STATE MAY TEST BY HABEAS CORPUS THE
 PROPRIETY OF BOTH HIS DETENTION WITHOUT BAIL
 AND THE SETTING OF EXCESSIVE BAIL. WANSLEY
 V. WILKERSON D.C. Va 1967. 223 F. SUPP. 54.
3. THE PETITIONER HAS BEEN FIGHTING FOR HIS LIBERTY
 FOR 13 MONTHS, BECAUSE ON JUNE 22 2004, THE ~~THE~~ PETITIONER
 WERE UNLAWFULLY ARRESTED AND FALSELY IMPRISONED
 AND HELD ON AN EXCESSIVELY HIGH BAIL OF \$200,000
 FOR THE CHARGE OF POSSESSION OF DRUG PARAPHERNALIA
 AND RESIDUE A CONTROLLED SUBSTANCE, PETITIONER
 ENCLOSE A COPY OF A STATEMENT OF PAUL HUDSON
 IN CASE NUMBER CC-2004-347, PETITIONER FILED A CIVIL
 ACTION SUIT, CASE NUMBER: 2:05-CV-5-F. FOR FALSELY
 IMPRISONED, IT WAS DISMISS IN THE 11TH CIRCUIT.
4. PETITIONER HAS SERVED ALL THIS TIME FOR A
 MISDEMEANOR CHARGES ONLY PARAPHERNALIA, PETITIONER
 HAS STRICT PROOF, HE ENCLOSE COPY OF MOTION, PETITION
 PROOF TO THE STATE COURT, THE STATE COURT WILL
 NOT ACT THAT CHARGES SHOULD BE DROP.

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BECAUSE THE EVIDENCE SHOWS THERE ARE NOT ANY DETECTIBLE AMOUNT OF CONTROLLED SUBSTANCE TO SUPPORT A CONVICTION, WHICH STATE SHOULD DROP ALL FELONY CHARGE AND A IMMEDIATE RELEASE OF PETITIONER FROM CUSTODY, BECAUSE IN THE COURSE OF ANALYSES EVERY-SOLUTIONS OF CONTROLLED SUBSTANCE WAS DESTROYED, NOW THE STATE DO NOT HAVE A CASE, BUT WHY IS THE STATE STILL HOLDING PETITIONER IN CUSTODY? THEY DON'T HAVE ANY REASON PETITIONER HAS SHOW OF EXCEPTIONAL CIRCUMSTANCE TO THIS COURT, AND DEMONSTRATION OF A CLEAR CASE ON THE MERITS OF THE HABEAS PETITION. HE SEEK A IMMEDIATE RELEASE, WITHIN INHERENT POWER OF THIS COURT, THE DISTRICT COURT OF THE UNITED STATES TO ENLARGE PETITIONER A LOW BOND PENDING A HEARING AND DECISION ON HIS APPLICATION FOR A WRIT OF HABEAS CORPUS.

5. PETITIONER SUFFER PREJUDICE AND HE CAN NOT REPLACE HIS LIBERTY, HE HAS LOST HIS HOME THAT HE WAS BUYING, HIS FAMILY WERE EVICTED AUG 3, 2005 BY THE SHERIFF DEPARTMENT AND IT RAIN THAT SAME DAY, AND EVERY THING HE EVER OWN WAS DESTROY, HIS FAMILY IS HOMELESS, HE SUFFER FROM ABUSIVE TREATMENT AND CRUEL AND UNUSUAL PUNISHMENT, HE IS STILL BEING HELD IN CUSTODY UNLAWFULLY AT THE COVINGTON COUNTY JAIL, AND JALUSIA ALABAMA. PETITIONER SHOULD BE AWARDED SOMETHING.

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6. PETITIONER WERE VIOLATED IN ALL HIS CASES CC-2003-187-418-419-CC-2004-347, (1) MERITS OF FACTUAL DISPUTE WERE NOT RESOLVED IN THE STATE HEARING; (2) STATE FACTUAL DETERMINATION IS NOT SUPPORTED BY THE RECORD; (3) STATE'S FACTFINDING PROCEDURE FAILED TO PROVIDE FULL AND FAIR HEARING; (4) THERE IS A SUBSTANTIAL ALLEGATION OF NEWLY DISCOVERED EVIDENCE; (5) MATERIAL FACTS WERE NOT DEVELOPED AT STATE COURT HEARING. PETITIONER HAS STRICT PROOF THAT ALL ALLEGATIONS ARE TRUE.

7. PETITIONER DEMAND END OF JUSTICE; A FEDERAL TRIAL JUDGE CLEARLY HAS THE POWER, AND IF ENDS OF JUSTICE IS DEMAND, THE DUTY TO REACH THE MERITS IN PROCEEDING FOR FEDERAL COLLATERAL RELIEF. U.S.M.Y. 1968 294. F. SUPP. 841. - U.S. EX REL. DILLIN V. FOLLETTE.

WHEREFORE THE PETITIONER REQUESTS UPON THIS AMEND AND PRAYS THAT THE COURT GRANT THIS AMEND AND ORDER A IMMEDIATE RELEASE OR A LOW BAIL BE SET.

RESPECTFULLY SUBMITTED THIS THE 29 DAY OF AUG, 2005

Sarge Earl Jones

SIGNATURE OF PETITIONER

I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE AMEND IS TRUE AND CORRECT. Sarge Earl Jones

8-29-05

DATE

SIGNATURE OF PETITIONER

CERTIFICATE OF SERVICE

I CERTIFY THAT A COPY OF THE FOREGOING AMEND
PLEADING HAS BEEN SERVED UPON ATTORNEY GENERAL
AND/OR FOR ALL PARTIES TO THIS PROCEED BY MAILING
THE SAME TO EACH BY FIRST CLASS UNITED STATES
MAIL PROPERLY ADDRESSED AND POSTED PREPAID
OR BY PERSONAL SERVICE ON THIS THE 29 DAY
OF AUG, 2005.

Saryie Earl Jones
SIGNATURE OF PETITIONER